1943-44

File No. S202/36 II

A CLASS

DEPARTMENT

Bl & M BRANCH

Subject :— Electric License
Bagalkot
Assignment of —

A[K]

File No. S 202/36-II

Std. Sectt. Slip 24-B

G. R., G. D., No. 2408, dated 22-6-22.]

Std. Sectt. 78 e.

DOCKET SHEET

Subject:—

File No. 5202/36-II

SW DEPT.

M. BRANCH.

References:— For [illegible] [illegible]

Date.	To whom sent.	Notes and instructions.

From

Sardar K. S. Sirdesai
B i j a p u r.

To,

C. D. Arbalii, Esquire, B. A. LL. B.,
Pleader & Receiver, Bijapur.

Sir,

As desired by you I have the honour to give the following undertaking:-

" In the event of the license being transferred in my name I undertake that the Electric Concern will not be used for any speculative purpose and that I shall run the same and continue the electric supply at Bagalkot and further undertake to perform all the obligations as required by The Government of India, Department of Labour, Notification No. D-A1 A826 dated New Delhi the 9th of April 1942."

I have the honour to be,
Sir,
Your most obedient servant,
Sd. K. S. Sardesai

Bijapur.
3rd February 1943.

Firm' Outward No.

Bagalkot:

February 1943.

From

C. D. Araballi,

Receiver in Bijapur Civil Suit

No. 119 of 1937 for M/s.Gugwad

and Co., Bagalkot.

To

The Electrical Commissioner

with the Government of India,

Calcutta.

Dear Sir,

With reference to the 3rd para of your letter No. ELC2/217Z dated 13/14 August 1942, I have been able to sell the license of the "Bagalkot Electric License 1932" as a whole (with the exception of the 25 K V A set) to Shrimant Sardar K.S.Sardesai Rakkasgi of Bijapur who has undertaken not to sell the electric concern for speculative purposes and to run and continue the same at Bagalkot and to -- abide by the Notification No. A826 Department of Labour, New Delhi, dated 9th April 1942.

I have herewith attached a copy of the said undertaking by the said purchaser and you will therefore be pleased to permit me to transfer the license and concern in his name and oblige.

Your most obedient servant,

C D Araballi

Receiver.

From

C.D.Arballi, Esquire, B.A.LL.B., Date 3/2/43
Pleader, Bijapur
Receiver appointed by the First Class Sub-Judge
Court, Bijapur for Messrs. Gugwad & Co. Bagalkot

To,

The Deputy Secretary to the Government of Bombay
Public Works Department, B O M B A Y.

Subject:- Bagalkot Electric License, Assignment of ....

Sir,

With reference to your letter No. 5202/36-M dated the 11th June 1941 and in furtherance of my two letters Nos. 347 dated 23rd October 1941 and 428 dated 26th December 1941, I have the pleasure to let you know that this undertaking i.e. Bagalkot Electric Supply Co. and the License and other properties of Messrs Gugwad & Co, Bagalkot were sold by public auction for Rs.2,27,000/- on 30th of November 1942 to Shreemant Kenchangouda Alias Babasaheb Sangappa Sardesai, Rakkasgi of Bijapur. He has paid Rs.56,750/- i.e. the 1/4th of the bid amount on 30th Nov. 1942. The balance of the amount i.e. the rest 3/4ths i.e. Rs. 1,70,250/- is ordered to be paid after the objections to the sale are heard and disposed of by the First Class Sub-Judge Court, Bijapur.

2/- I think under the circumstances if the Court orders Shrimant K.S.Sardesai to pay the balance amount of Rs.1,70,250/- after dismissing the objections Shrimant K.S.Sardesai will pay me the said amount and it is likely that he will have to be the next Licensee.

3/- Shrimant K.S.Sardesai who will be the purchaser of The Bagalkot Electric License, is to my knowledge financially stable and in a position to exercise the powers and perform the obligations imposed under the license.

4/- He is a paragana watandar of the District and possesses about 22,000 acres of lands in Hungund Taluka of the Bijapur district and pays Mahal Judi to the extent of Rs. 4800/-.

5/- I, therefore, report the name of the likely purchaser namely Shreemant K.S.Sardesai, Rakkasgi of Bijapur

to the Government which may be pleased to accord its consent to the assignment of the License in his name in due course as the above information may enable the Government to satisfy itself as to his financial stability.

6/- I have submitted this reply to your letter No.5202/36-M dated 11th June 1941 through the Collector of Bijapur.

7/- . After the reply of the Government is received by me I may assign the " Bagalkot Electric License,1932" to Shreemant K.S.Sardesai or Rakkasgi which please note and oblige.

I have the honour to be,

Sir,

Your most obedient servant,

Bijapur,
3rd February 1943.

Copy of the undertaking by the purchaser.
Copy of the letter to the Electrical Commissioner to the Govt of India Calcutta

Submitted through the collector of Bijapur

No.P.O.L.
Bijapur, 5th February 1943.

Submitted to the Deputy Secretary to Government, P.W.D. Bombay.

2. Shreemant K.S.Sardesai is a paragana Watandar holding 3 entire Inam villages and chourat lands in several villages. He is financially sound and will run the concern effeciently. Recently he has been made a sedond class Sardar in this district. The Bagalkot Electric license may kindly be transferred in his name.

Collector of Bijapur.

H.

PUBLIC WORKS DEPARTMENT
File No. 5202/36
-9. FEB 1943
Serial No. 30(A)

5209-/36
3047

(Rs B) Submitted.

2. The Court Receiver's letter under disposal has evidently crossed S.L. No 5202/36 in my file 1-2-43. The receipt of it reply to S.L. 5202/36 may be awaited.

DR 11.
10/2/43

DR

No. 5202/36-M P.W.D. Beg TN 9th April 1943

To C.D. Arbalkar B.A. LL.B.
Receiver appointed by the
J.C. Sub. Judge Court,
Bijapur.

Subject:- Bagalkot (Dt. Bijapur)
Bagalkot Municipality
1932 Proposed
assignment of -

Dear Sir,

I am directed to invite a reference to your No. 5202/36-M dated the 1st Feb. 1943 on the subject noted above and to enquire when a reply thereto may be expected.

Yours faithfully,

Signed
8/4
12/4

9/4

Firm Our word No. 7 of 1943.

B.E.S.Co, Bagalkot.

Dated 14th April 43

From,

C.D.Arballi, Esquire,
B.A.LL.B. Pleader Receiver
For M/s Gugwad and Co, Bagalkot.

To,

The Assistant Secretary to the Govt of Bombay
Public Works Department, Bombay

Sir,

With reference to your letter No. 5202/36-M dated 9th April 1943 I have the honour to state that the auction purchaser Sardar K.S. Sardesai of Rakkasagi has paid 1/4th of the bid amount and has not paid the balance and hence the matter of assignment is in suspence.

The proposed form of assignment sent by you and the license will be sent to you for further action if Sardar Desai pays me the balance amount of Rs. 170000/- and after confer--mation of sale by the court(17th april being the date for payment of con--fermation) which please note and oblige.

I have the honour to be,

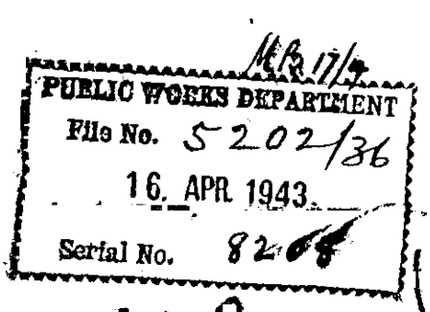
Sir,

Your most obedient servant,

C D Arballi

Receiver,
For M/S Gugwad & Co,
Bagalkot.

SBW/-


PUBLIC WORKS DEPARTMENT
File No. 5202/36
16 APR 1943
Serial No. 8206

From

C. D. Arballi, B. A. LL.B.,
Receiver in Bijapur Civil suit
No. 119/1937 for M/s. Gugwad & Co.,
B a g a l k o t.

To

The Deputy Secretary,
to the Government of Bombay, P.W.D.,
B o m b a y.

Sir.

Subject:- Assignment of the Bagalkot Electric License 1932.

(1) With reference to your letters No. 5202/36 M. dated 1st February 1943, and 9th April 1943, (to which a reply has been already sent on 14th April 1943 in my letter No. 7 of 1943) I have the pleasure to let you know that the sale is confirmed by the Court on 22nd April 1943.

(2) Under these circumstances I have sent (1) the Bagalkot Electric License 1932 for the consent of the Government for the assignment of the License in the name of Shrimant Sardar Kenchangouda Sangappa Desai of Rakkasgi in the form memorandum sent to me along with your letter dated 1st February 1943.

(3) You will be pleased to expedite the matter as the matter is an urgent one in as much as I have to give possession of the undertaking and the concern as early as possible to the said Sardar Desai of --- Rakkasgi in persuance of the order of the Court.

(4) As to the written permission from the -- Electrical Commissioner with the Government of India for the disposal or enter into committment to dispose the things mentioned in Notification No. A 826 of the Government of India Department of Labour dated 9th April 1942 I am very sorry that a registered letter

NOx. 204/1943 dated 3rd February 1943 and addressed as under:

The Electrical Commissioner with the Government of India, Calcutta,

was sent to the Dead Letter Office and was returned to me on 24-2-1943

(1) The same unopened envelope has been sent today to the Electrical Commissioner with the Government of India and addressed as under

The Electrical Commissioner,
With the Government of India,
17 Esplande Mansion, C a l c u t t a.

(5) This letter could not be numbered under Firm's correspondence Number as the same has been despatched from Bijapur the matter being very urgent.

Bijapur:
23rd April 1943.

Your most obedient servant,

Receiver,
For M/s Gugwad & Co.,Bagalkot.

Enclosure
"The Bagalkot-Electric Licence 1932"

Licence MB 26/4

PUBLIC WORKS DEPARTMENT
File No. 5202/36
26. APR. 1943
Serial No. 8827

23/26

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

No.

Recd. at ____ H. ____ M.	Sent at ____ H. ____ M.	Office Stamp
From ____	To ____	
	By ____	

BOMBAY

C P I Kolapur 26 43
15527

Secretary to Govt Revenue Department Bombay

Reference your demand five deposit on stamp duty of Court. I am going to appeal & wish Court immediately kindly

B. T. B.

INDIAN POSTS & TELEGRAPHS DEPARTMENT.

Recd. at ____ H. ____ M.	Sent at ____ H ____ M.	Office Stamp
From: ____	To ____	
____	By ____	

BOMBAY G.T.O.

H Lumsden

Do not issue Transfer the licenses to head of Kankaji

& Co. Gumal
Kanji Tapa
Gumal Co.

MB. 22/4

PUBLIC WORKS DEPARTMENT
File No. 5202/36
27. APR. 1943
Serial No. 8941

B. T. B.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

No.

Recd. at ____ H. 1/45 M.	Sent at ____ H. ____ M.	Office Stamp
Fr[illegible]	To ____	365
By ____ C	By ____	

28 AP 43

"AST Bapatla"

[illegible] Bombay

Bypass Court gave the decision closing day of the [illegible] court [illegible] jump in [illegible] the high Court [illegible] [illegible] [illegible]

d/ 28/4/43

B. T. B.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Recd. at ____ H. ____ M.	Sent at ____ H. ____ M.	Office Stamp
____	To ____	
By ____	By ____	

No.

Il me
la donne pour mémoire
Alessi
Surgeon

Secretary
P.W.Department
Secretariate,
Bombay.

Dear Sir,

I the undersigned Lechanappa Veerbhadrappa Gugwad the partener in the firm of M/s. Gugawad & Co; beg to lay before your Honour that I hereby confirm my 2 following wires of the same text, one sent from Sholapur & another from Bagalkot.

Bijapur Court gave decision closing day of the Court & I am going to appeal in the High Court immediately. Kindly do not transfer the licence to Rakkasagi Desia.

Once I appeal to honour not to grant the transfer of licence till High Court Judjement is given.

With best respects,

Sholapur,
30.4.1943.

Yours faithfully,

L. V. Gugwad

9/3/5 MB 6/5

PUBLIC WORKS DEPARTMENT
File No. 5202/36
- 3. MAY 1943
Serial No. 9596

MB

3-5-43

Firm Outward No.204/1943
Date:3/2/43
Firm' Outward No.
Bagalkot:
February 1943.

From

C. D. Araballi,
Receiver in Bijapur Civil Suit No.119 of 1937 for
M/s. Gugwad and Co., Bagalkot.

To

The Electrical Commissioner with the Government of India,
Calcutta.

Dear Sir,

With reference to the 3rd para of your letter No.ELC2/2177 dated 13/14 August 1942, I have been able to sell the license of the "Bagalkot Electric License 1932" as a whole (with the exception of the 25 K V A set) to Shrimant Sardar K.S. Sardesai Rakkasgi of Bijapur who has undertaken not to sell the electric concern for speculative purposes and to run and continue the same to Bagalkot and to abide by the Notification No.A826 Department of Labour, New Delhi, dated 9th April 1942.

I have herewith attached a copy of the said undertaking by the said purchaser and you will therefore be pleased to permit me to transfer the license and concern in his name and oblige.

Yours most obedient servant,

sd/- C.D.Araballi,

Receiver.

1 copy of the undertaking by the purchaser.
2 copy of the letter to the Dy. Secretary to the Govt. of Bombay P.W.D.

From : Sardar K.S.Sirdesai, Bijapur.

To : C.D.Arballi,Esquire,B.A.,LL.B.,
Pleader & Receiver, Bijapur.

Sir,

As desired by you I have the honour to give the following undertaking:-

"In the event of the License being transferred in my name I undertake that the Electric Concern will not be used for any speculative purpose and that I shall run the same and continue the electric supply at Bagalkot and further undertake to perform all the obligations as required by The Government of India, Department of Labour, Notification No.A826 dated New Delhi the 9th of April 1942."

I have the honour to be,
Sir,
Your most obedient servant,

sd/- K.S.Sardesai.

Bijapur,
3rd February 1943.

(COPY)

No. El.C.2/217-N

GOVERNMENT OF INDIA.
DEPARTMENT OF SUPPLY,
Office of the Electrical Commissioner with the Government of India.

17, ESPLANADE MANSIONS,

Calcutta, the 30th April, *1943*.

"All communications intended for this office should be addressed by designation, and not by name, to the Electrical Commissioner with the Government of India.

Telegrams :—ELCIND.

FROM

THE ELECTRICAL COMMISSIONER
WITH THE GOVERNMENT OF INDIA,

To

Deputy Secretary to
Government of Bombay, P.W.D.,
Bombay Castle,
Bombay.

Sub:- Bagalkot Electric License 1932-
Assignment of and sale of plant.

Sir,

I have the honour to attach hereto copy of letter No. 204/1943 dated the 3rd February 1943, received from Mr. C.D.Araballi, Receiver in Bijapur Civil Suit No.119 of 1937 for Messrs Gugwad & Co., Bagalkot together with copy of letter from Sardar K.S.Sirdesai, Bijapur to Mr. C.D.Araballi, Pleader and Receiver, Bijapur which forms an enclosure thereto.

2. With the letter under reference was also a copy of Mr. C.D.Araballi's letter No. Nil dated 3.2.43 addressed to you. For obvious reasons the copy of this letter is not sent herewith.

3. It would appear from the correspondence that the Bagalkot undertaking having been sold, Mr.C.D.Araballi is not clear as to the line of action he should now take as he has asked both the Bombay Government and the Electrical Commissioner to grant permission for the transfer of the Bagalkot Electric License 1932.

4. It is presumed that he requires the authority of the Electrical Commissioner under Labour Department Notification No. A.826 dated the 9th April, 1942 to dispose of the plant of the present licensee.

5. Before the Electrical Commissioner grants this authority, I would request that the Government of Bombay may please advise me of their intentions regarding the assignment of this License to Shreemant Sardar K.S.Sardesai, Rakkasgi of Bijapur.

I have the honour to be
Sir,
Your most obedient servant,

(C.W.Stowers).
Director of Power Supply(Com).

*Encls. As above.

CWS/Hs.

M. B.

Submitted.

2. The Bagalkot El. License, 1932, was granted to one Mr.N.D.Nerurkar who subsequently assigned it to M/S.Gugwad & Coy. On the application of one of the partners of the above firm, the firm was dessolved and a Receiver was appointed with orders to take possession of the suit firm and mange it and wind up the partnership concern. The Receiver accordingly applied to Govt. for permission and consent under section 9(2) of the I.E.Act to sell the license and the undertaking. In reply he was informed -- that the party to whom the license and the undertaking was to be sold and who would be the next licensee should be in a position to exercise the powers and perform the obligations imposed under the license. The property was auctioned on 30-11-42 and the final bid of Rs.2,27,000 offered by Sardar K.S.Sardesai was accepted. The Collr. of Bijapur reported that the conditions laid down in G.L.No.5202/36-M, dated the 11-6-41 have been fulfilled and that there was no objection to Govt. transferring the license and its undertaking to Sardar K.S.Sardesai. Some partners of the dessolved firm raised objections as to the validity of the sale. As, however, the R.L.A. gave the opinion that the validity of the sale does not depend merely on Govt's granting consent under ~~under~~ section 9(2) and that if the court holds the transfer invalid on grounds of irregularities of sale, the fact that Govt. consented under section 9(2) will embarass neither itself nor the court, and As Mr.Sardesai fulfilled the conditions laid down in G.L.No. 5202/36-M, dated the 11-6-41. Govt. decided to consider his application for transfer of the license favourably. Receiver was ---- accordingly informed that Govt. proposed to give the necy. consent in the form of memo accompanying G.L.No.5202/36-M, dated the 1-2-43. The terms of the memo have been ---, accepted by the Receiver. The next step is to issue orders formally assigning the license to Mr.Sardesai. As already stated above, it is not necy. for Govt. to wait till the objection raised to the sale are decided. In view, however, of the enquiry made by the El. Commissioner with the Govt. of India draft put up may issue. The question of assignment of the license will be taken up on receipt of the officer's reply.

VR.6/5.

6/5/43

PUBLIC WORKS DEPARTMENT
File No. 5202/36
-4. MAY 1943
Serial No. 9595

5202/36.

No.5202/36-M. P. W. D.
B.C., 8 May 43.

To

The El. Commissioner with the G.of I.

Subject: Bagalkot El. License, 1932.
Assignment of & Sale of
Plant.

.....

Sir,

With ref. to your letter No.El.C.2/217 dated the 30th April 1943, I am directed to state that the Bagalkot El. License was originally granted to one Mr.N.D.Nerurkar who subsequently assigned it to M/S.Gugwad & Co., Bagalkot. The Company has been dissolved and its assets including the electricity concern were purchased by Sardar K.S.Sardesai at the auction sale held by the Receiver on the 30-11-42. This Govt. after satisfying itself that Sardar K.S.Sardesai is in a

5202/36.

position to exercise the powers and perform the obligations imposed under the license and that he is sufficiently solvent to run the concern efficiently has decided to give its consent to the assignment and transfer of the electric license and its undertaking to Sardar K.S.Sardesai in the accompanying form of memo of consent to be endorsed on the original license. The Receiver as the present licensee has accepted the terms in the memo of consent.

Your etc.,

D.A.-Mil.

VR.6/5.

From

Sardar Kenchangouda alias Babasaheb
Sangappa Sardesai of Rakkasgi of Bijapur.

To

The Deputy Secretary to the Government
of Bombay, Public Works Department, Bombay.

Subject:- Bagalkot Electric License.
Consent of Government to the transfer
of the License under section 9(2) of the
Indian Electricity Act.

Dear Sir,

× Rev. 5202/36 Part/ With reference to your letter No.5202/36-M, dated the 1st February 1943, I have the honour to state that Government communicated to me through the Receiver Mr.Arballi its decision to consent to the transfer to me of the Bagalkot Electric License and was pleased to request the Receiver Mr.Arballi to offer his remarks, if any, and to forward the License to Government for the purpose. Unfortunately however Mr.Arballi it appears failed to forward the said license immediately and delayed the matter until the sale was duly confirmed by the Court after rejecting the application of one of the parterners to set aside the sale. I have paid the whole amount of Rs.2,27,000 to the Receiver and the sale is confirmed by the Court. It appears that the Receiver is not prompt in taking the necessary steps for transfer and is interested in delaying the matter for the sake of increasing his remuneration and besides is also in league with the original parterners of the Firm who are trying to put all sorts of obstacles in my way. I have every reason to apprehend that the machinary is likely to be tampered with by some of them with a view to ruin me, since I have purchased the ~~fack~~ property against their desire. Until Government issues orders consenting to the transfer of the License the necessary deed of conveyance and transfer of the License cannot be executed. It is therefore clear that any delay on the

the part of Government in issuing the necessary orders would deprive me of the income of the property to which I am legitimately entitled when I have already paid a large amount of Rs.2,27,000. In view of these circumstances I request Government to treat the matter as "very urgent" and expedite the issue of the necessary orders according its consent to the transfer of the License under section 9(2) of the Indian Electricity Act and to communicate the same to me and the Receiver by wire, the cost of which I am prepared to bear. I am temporarily staying at Belgaum and my present address is : 160, Thalakwadi, Belgaum and further communications may be addressed to that address.

I beg to remain,

Sir,

Your most obedient servant,

K. S Bhandarkar

Belgaum,
12th May 1943.

(Sub.) Submitted.

2. Reference to P 29 Release S.L. no. 5202/36-Lab
of the 8-5-43 to the Sec. Comm.
with the Govt of India & the
P 28 O.V. underlying it. Receipt
of a further communication
with reference to para 5 of that
P 27 Officer's letter of 30-4-43
may first be awaited.

SKJ.
17/5/43

9/17/5

Recd (10 6-43)
20/5

MB 17/5

PUBLIC WORKS DEPARTMENT
File No. 5202/36
15. MAY 1943
Serial No. 10885

9/15/5

17-5-43

No. ~~El.C.2/217~~-N

All communications intended for this office should be addressed by designation, and not by name, to the Electrical Commissioner with the Government of India.

Telegrams :—ELCIND.

GOVERNMENT OF INDIA.
DEPARTMENT OF SUPPLY,
Office of the Electrical Commissioner with the Government of India.

17, ESPLANADE MANSIONS,

Calcutta, the 20th May *1943*.

FROM

THE ELECTRICAL COMMISSIONER
WITH THE GOVERNMENT OF INDIA,

To
C.D.Araballi Esqr., B.A., L.L.B.,
Pleader & Receiver,
Bijapur.

Sub:- Bagalkot Electric Licence 1932 - Disposal of electrical plant.

Dear Sir,

With reference to your letter No. 204/1943 dated 3.2.43 and in continuation of this office letter reference El.C. 2/217-N dated the 30th April 1943 having reference to the grant of authority to you to dispose of the plant comprising the Bagalkot Electric Supply Undertaking.

2. In terms of the Government of India Notification No. A.826 dated the 9th April 1943, sanction is hereby accorded to you in the capacity of Receiver appointed in Civil Suit No. 119 of 1937 filed in the Court of the First Class Sub Judge, Bijapur by one of the partners of the firm of Messrs Gugwad & Co, Bagalkot, to dispose of the electrical plant comprising the Bagalkot Electric Supply Undertaking to Mr. Kenchangouda alias Babasaheb Sangappa Sirdesai of Rakkasagi, Bijapur, carrying on business under the name and style of "Venkatesh Power Works, Bagalkot" in the Province of Bombay subject to the performance by the said Mr. Kenchangouda Sirdesai of the obligations imposed upon him under the Bagalkot Electric License 1942.

Yours faithfully,

Lt. Col. I.E.,
(R.L.Evans).
DY. ELECTRICAL COMMISSIONER.

CWS/Hs.

Copy forwarded for information to:-

The Deputy Secretary to Government of Bombay,
Public Works Department, Bombay, with

with reference to his letter No. 5202/36-M dated 8th May, 1943.

M. B.

Submitted.

2. Please see G.L.No.5202/36-M, dated the 8-5-43 and the D.O.N. underlying it. The El. Commr. with the Govt. of India has communicated his sanction to the Receiver to dispose of the electrical plant comprising the Bagalkot Electric Supply undertaking to Mr.Sirdesai. G.R. sanctioning the assignment of the license and its undertaking to Mr.Sirdesai are put up and may issue subject to the orders on the point raised in para 3 below. A(R) has already approved the proposal and the papers need not be again submitted to him.

3. The Bagalkot El. License was granted to Mr.N.D.Nerurkar who subsequently assigned it to Messrs.Gugwad & Coy., with the consent of Govt. Messrs.Gugwad & Coy. mortgaged their undertaking to Messrs.Sakri Brothers, Bagalkot for Rs.80,000/-. The memo of consent in respect of the two above transactions have not been forwarded by the Receiver along with the original license. The Properties of Messrs.Gugwad & Coy. were sold free from all encumbrances, the Receiver holding himself responsible for all court charges and attachments etc., effected for the debts of M/S. Gugwad & Coy. including attachment of Mr.Sankarappa Sakri vide condition No.10 of conditions of sale. It does not seem necy. for Govt. to go into these matters. The R.L.A. may be requested to state whether he agrees with the above view and if so whether the proposed orders may issue.

I agree
29/5

VR.26/5.

22/5/43

29/5/43

Q.O.r. to the R.L.A. dated 31st May 1943

RL issue no. 31/5

x with P.W.D. file 5202/36-M-I and file 59 containing license, memo of consent and Index sheet map

(10-6-43)

THE SECRETARIAT
61.50
31-5-43

31 MAY 1943

PUBLIC WORKS DEPARTMENT
File No. 5202/36
24. MAY 1943
Serial No. 11679

B T.B.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

No 3904

Rcd. at ____ H. ____ M.	Sent at ____ H. ____ M.	Office Stamp
From ____	To ____	27 MAY
By ____	By ____	

O 08 BELGAUM 27 14 DEPUTY SECRETARY P W D BOMBAY =

KINDLY EXPEDITE BAGALKOT ELECTRICITY LICENSE MATTER =

SIRDESAI =

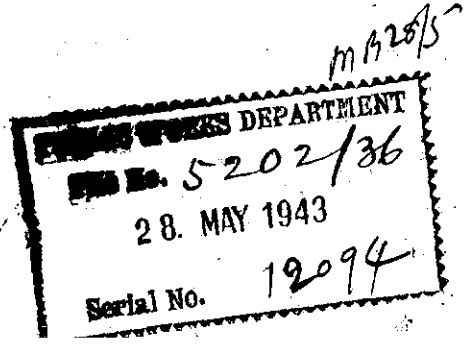
28/5

(w.B.) Submitted.

2- The main file no 5202/36 (with the draft requisite orders) has been referred to the R.A.F. today. Its return may be awaited.

31/5/43

31/5



The Bagalkot El.License, 1932.
Assisgnment to Mr.Kenchangouda Alias Babasaheb Sangappa Sirdesai of Rakkasagi, Bijapur, of -

GOVT.OF BOMBAY.
P. W. D.
Resol.No.5202/36.
B.C., /o 1 May 1943.
dy 20-4-43

X Rev.No.5202/36 Pt I
b 13
Partnership

Letter from Mr.C.D.Arballi, B.A.,LL.B. Receiver appointed in Civil Suit No.119 of 1937 filed in the Court of the First Class Judge Bijapur by one of the partners of the firm of Messrs.Gugwad & Coy., Bagalkot.

(Enter)

G.L.No.5202/36-M, dated the 11-6-41 to Mr.C.D.Arballi, B.A., LL.B., Receiver, Bagalkot El. License.

(Enter)

Letter from Mr.Kenchangouda Alias Babasaheb Sangappa Sirdesai of Rakkasagi, Bijapur dated the 4-12-42.

(Enter)

Endt. on the above No.1555 dated the 4-12-42 by the F.C. Sub-Judge, Bijapur.

(Enter)

Endt. on the above by the Dist.Magistrate, Bijapur No.P.O.L. dated the 5th Decr. 1942.

(Enter)

Read G.L.No.5202/36-M, dated the 1st Feby. 1943 to Shrimant Kenchangouda Alias Babasaheb Sangappa Sirdesai of Rakkasagi.

G.L.No.5202/36-M, dated the 1-2-43 to Mr.C.D.Arballi, Receiver appointed by the F.C. Sub-Judge Court, Bijapur.

(Enter)

b 11
Read Letter dated the 23-4-43 from Mr.C.D.Arballi, B.A., LL.B., Receiver in Bijapur

Bijapur Civil Suit No.119/1937 for ---
Messrs.Gugwad & Coy.

Letter from the El. Commr. with the Govt. of India No.El.C-2/217-N, dated the 30-4-43.

(Enter)

G.L.No.5202/36-M, dated the 8-5-43 to El. Commr. with the Govt. of India.

(Enter)

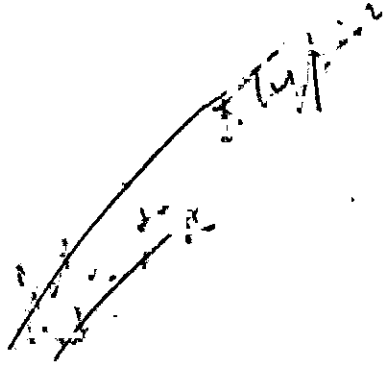
Letter from the El. Commr. with the Govt. of India No.El C-2/217-N, dated the 20-5-43 to Mr.C.D.Arballi, B.A., LL.B., Pleader and Receiver.

(Enter)

RESOLUTION: The Govt. of Bombay is pleased to consent under the provisions of sub-section (2) of section 9 of the I. E. Act, 1910, to the assignment and transfer by Mr.C.D.Arballi, B.A., LL.B., the Receiver appointed in the Civil Suit No.119 of 1937 filed in the court of the F.C. Sub-Judge, Bijapur, by one of the partners of the firm of M/S.Gugwad & Coy., Bagalkot, the present holder of the -- Bagalkot El. License, 1932, of the said license and of the whole of the said -- licensee's undertaking in respect of the said license (including all lands, bldgs., works, material, and plant) by way of sale to Mr.Kenchangouda alias Babasaheb --- Sangappa Sirdesai. An engrossment on the following form should be made on the -- original license:-

(Enter A to B pp.195-196 of Pt.I of file 5202/36).

2. The Secy. to the Govt. of Bombay, P.W.D. is authorised to sign on behalf of Govt. the engrossment of the memo of consent to be endorsed on the license.



65

To-

The Commr., S.D.,
The Collr. of Bijapur,
The S.E., S.C.,
The El. Engr. to Govt.,
The Ex. Engr., Bijapur,
The Ex. Engr., El. Dn.,
The A.G., Bombay,
Mr.C.D.Arballi, B.A.,LL.B.,
(By letter)
The Solr. to Govt.

VR.26/5.

27 5202/36

3. The following letter should be addressed to Mr.C.D.Arballi, B.A., LL.B., Receiver appointed by the F.C. Sub-Judge Court, Bijapur:-

"With ref. to your letter dated the 23rd April 1943, I am directed to return herewith the Bagalkot El. License, 1932, with the requisite memo of consent -- engrossed thereon. Its receipt may please be acknowledged."

27/5/42

By order etc.,

29/5/43

Office of the R.L.A.

Seen and returned.

2. There appears no objection to issuing the proposed order under section 9(2) of the Indian Electricity Act, 1910.

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 40 46 , dated 7th June 1943.

42

(h.s) Submitted with reference
to Govt. Order dt. 31-5-43.
Ih 36-39

2. The R.L.A. has no
objection to issuing the
proposed order under
section 9(2) of the D.E.
Act, 1910. The despo

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5202/36 Part
PUBLIC WORKS DEPARTMENT
File No. 5202/36
-7. JUN. 1943
Serial No. 13315

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G.R. at pp. 37-38 ante may accordingly issue. As both the Court Receiver & Mr. Sirdesai, the new licensee are pressing for the issue of orders, advance copies (typed) of the G.R. may be sent to the Commr. S.D. the Collr of Bijapur & the Dy. Regr to Govt. Letter to Mr. Arkalli, the Court Receiver, Vide para 307(

5207/36

draft SR. may also issue
simultaneously.

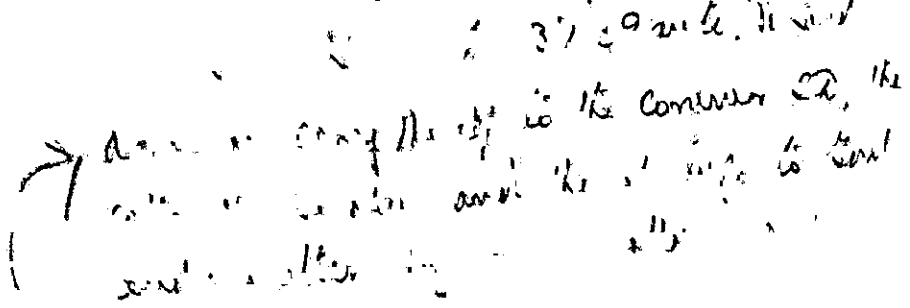
DS 22
8/7/43

DS +

9/8/16

Secy

CW
9/6/43.



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1/0.

No. 5202/36. M.
Public Works Department.
Bombay Castle, 10th June 1943.

From

The Deputy Secretary to the Government of Bombay,
Public Works Department.

To

C.D.Arballi,Esquire,B.A.,LL.B.,
Pleader and Receiver, Bijapur.

Subject:- The Bagalkot Electric License,1932.
Assignment to Mr.Kenchangouda Alias Babasaheb Sangappa Sirdesai of Rakkasagi,Bijapur, of -.

Dear Sir,

With reference to your letter dated the 23rd April 1943, I am directed to return herewith the Bagalkot Electric License, 1932, with the requisite memorandum of consent engrossed thereon. Its receipt may please be acknowledged.

Yours faithfully,

Deputy Secretary to the Government
of Bombay,Public Works Department.

D,A.- The Bagalkot Electric License,
with the requisite memo.of consent.

BKR
11/6

The Bagalkot Electric License, 1932.
Assignment to Mr. Kenchangouda alias Babasaheb Sangappa Sirdesai of Rakkasagi, Bijapur, of —.

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Resolution No. 5202/36.

Bombay Castle, 10th June 1943.

Letter, dated the 20th April 1941, from Mr. C. D. Arballi, B.A., LL.B., Receiver appointed in Civil Suit No. 119 of 1937, filed in the Court of the First Class Sub-Judge, Bijapur, by one of the partners of the firm of Messrs. Gugwad and Company, Bagalkot :—

" 1. A license was given by the Government on 14th November 1932, in the name of the ' Bagalkot Electric License, 1932 ', to the Bagalkot Electric Supply Company (former Proprietor Mr. Narayan Dattatraya Nerurkar).

" 2. The said Bagalkot Electric License, 1932, was assigned on 12th March 1934, to Messrs. Gugwad and Company after previous consent of the Government under section 9, sub-section (2) of the Indian Electricity Act.

" 3. A hitch having arisen among the members of the Firm of Messrs. Gugwad and Company, a Civil Suit No. 119 of 1937 was filed in the First Class Court at Bijapur. The said Court has dissolved on 9th April 1941, the said Firm.

" 4. The said Court has appointed me as its Receiver on 9th April 1941, and has ordered me to take possession of the said Firm, manage and wind it up.

" 5. I, therefore, apply under section 9 (2) of the Act to sell the said License and the undertaking thereof, etc., and it is therefore submitted, you will give me the permission and consent to do the same so that, I may be able to wind the said Company in a reasonable time.

" 6. A copy of the said order to me of the said Court has been attached herewith."

Government letter, No. 5202/36-M, dated the 11th June 1941, to Mr. C. D. Arballi, B.A., LL.B., Receiver, Bagalkot Electric License :—

" With reference to your letter No. 15, dated the 20th April 1941, I am directed to state that the party to whom the Bagalkot Electric License, 1932, and the undertaking are to be sold and who will be the next licensee, should be in a position to exercise the powers and perform the obligations imposed under the license. I am therefore to request you kindly to report the name of the party in question so that Government may satisfy itself as to his financial stability and his suitability to hold the license.

Your reply may please be submitted through the Collector of Bijapur."

Letter from Mr. Kenchangouda alias Babasaheb Sangappa Sirdesai of Rakkasagi, Bijapur, dated the 4th December 1942 :—

" The Bagalkot Electric Supply Company forms part of registered partnership Firm under the name and style ' Messrs. Gugwad and Company '. The said Firm has obtained a licence from the Government of Bombay to supply electric energy to the town of Bagalkot. The area of supply has already been specified and the conditions of license have already been settled as per Government order granting the license to the said Firm in the year 1932.

Since then the Firm has scrupulously carried out the conditions of the license in the matter of supplying electric energy to the town of Bagalkot and also in the other matters pertaining to the Licence.

A dispute arose between the partners of the Firm in or about the year 1937 and a civil suit was filed by one of the partners—Danappa Malikarjunappa Talikoti—in Civil Suit No. 119 of 1937 in the First Class Subordinate Judge's Court, Bijapur. The suit was for dissolution of partnership and accounts. During the pendency of the suit, Mr. Arballi, Pleader, Bijapur, was appointed Receiver by the said Court to look after the management and affairs of the Firm of Messrs. Gugwad and Company which originally comprised only Ginning and Pressing Factory business and later on including the Bagalkot Electric Supply Company as its own branch business.

Subsequently as per order of the said Court, the whole concern was put to auction on 30th November 1942, when the Court was personally present on the spot and out of the many bids offered at the time, final bid was offered by me for Rs. 2,27,000 and it was knocked down in my name.

In this way I am purchaser of the right, title and interest of whole Firm including the Bagalkot Electric Supply Company. I have thus stepped in the shoes of the original proprietors and licensees of the said Firm.

Now I have the honour to request you to be so good as to transfer the license granted to the Firm ' Messrs. Gugwad and Company ' under section 9 (2) of the Indian Electricity Act. The license may be allowed to be transferred to me subject to the same conditions laid down in the previous license. As regards the area of supply and other details included in the original license, no change is at present contemplated.

Since the Electric Supply Company is a public utility concern, it is but meet that I should apprise Government of my solvency in taking over and running the concern without any hindrance to the public safety and convenience.

I beg to bring to the kind notice of Government that I am a Paragana Watandar of Rakkasagi and Amarawati in Hungund taluka, of Bijapur District. Ours is an ancient Watan being enjoyed by me and my ancestors continuously for four centuries and more. As Inamdar of Rakkasagi, I hold entire four Inam villages and Chavarat lands in 52 villages in Hungund taluka, consisting of 25,000 acres of land. I have given my son in adoption to my natural father—since deceased—and as my son is a minor I am managing his estate which consists of four villages in Bijapur District and four villages in His Exalted Highness the Nizam's Dominions consisting of 20,000 acres and net income of both the estates is Rs. 35,000 and Rs. 20,000 respectively. I need not submit that I am ready and willing to abide by all the conditions attaching to the original grant of license.

Under these circumstances, I pray that the original licensees namely ' Messrs. Gugwad and Company ' may kindly be permitted to transfer their license to me under section 9 (2) of the Indian Electricity Act, since I am the purchaser of the said concern in public auction held on 30th November 1942.

It is my individual concern and I wish to run it in the following name and style :—

' Venkatesh Powar Works, Bagalkot ',

and request that the license may kindly be transferred in that name.

For which act of kindness, I shall ever pray."

Endorsement on the above No. 1555, dated the 4th December 1942, by the First Class Sub-Judge, Bijapur :—

" Forwarded with compliments, through the Collector, Bijapur, for favourable consideration.

The applicant purchased the property concerned for Rs. 2,27,000, the sale being held in my presence on 30th November 1942. His request contained in the application may be granted. Regarding the applicant's solvency it is sufficient to say that he is a big landlord owning considerable property yielding a very large income every year."

Endorsement on the above by the District Magistrate, Bijapur, No. P.O.L., dated the 5th December 1942 :—

" Forwarded with compliments to the Deputy Secretary to the Government of Bombay (Public Works Department), Bombay.

" 2. The applicant is a Paragana Watandar in the district holding 4 entire Inam villages and Chourat lands in many other villages with an annual income of about Rs. 35,000. He is sufficiently solvent to run the concern efficiently and there appears no objection to transfer the license in his name."

Read Government letter, No. 5202/36-M, dated the 1st February 1943, to Shrimant Kenchangouda alias Babasaheb Sangappa Sirdesai of Rakkasagi.

Government letter, No. 5202/36-M, dated the 1st February 1943, to Mr. C. D. Arballi, Receiver appointed by the First Class Sub-Judge Court, Bijapur :—

" With reference to your letter No. 428, dated the 26th December 1941, I am directed to state that Government proposes to give the necessary consent to the assignment of the license mentioned above in the accompanying form of memorandum to be endorsed on the original license. I am to enquire whether you have any remarks to make. The original license may please be sent to Government along with your reply. It will be returned to you when the memorandum of consent has been endorsed thereon."

Read letter, dated the 23rd April 1943, from Mr. C. D. Arballi, B.A., LL.B., Receiver, in Bijapur Civil Suit No. 119 of 1937, for Messrs. Gugwad and Company.

Letter from the Electrical Commissioner with the Government of India, No. El.C. 2/217-N, dated the 30th April 1943 :—

" I have the honour to attach hereto copy of letter No. 204 of 1943, dated the 3rd February 1943, received from Mr. C. D. Arballi, Receiver in Bijapur Civil Suit No. 119 of 1937, for Messrs. Gugwad & Company, Bagalkot, together with copy of letter from Sardar K. S. Sirdesai, Bijapur, to Mr. C. D. Arballi, Pleader and Receiver, Bijapur, which forms an enclosure thereto.

" 2. With the letter under reference was also a copy of Mr. C. D. Arballi's letter No. Nil, dated 3rd February 1943, addressed to you. For obvious reasons the copy of this letter is not sent herewith.

" 3. It would appear from the correspondence that the Bagalkot undertaking having been sold, Mr. C. D. Arballi is not clear as to the line of action he should now take as he has asked both the Bombay Government and the Electrical Commissioner to grant permission for the transfer of the Bagalkot Electrical License, 1932.

" 4. It is presumed that he requires the authority of the Electrical Commissioner under Labour Department Notification No. A. 826, dated the 9th April 1942, to dispose of the plant of the present licensee.

" 5. Before the Electrical Commissioner grants this authority, I would request that the Government of Bombay may please advise me of their intentions regarding the assignment of this License to Shreemant Sardar K. S. Sirdesai, Rakkasagi of Bijapur."

Government letter, No. 5202/36-M, dated the 8th May 1943, to Electrical Commissioner with the Government of India :—

" With reference to your letter No. El.C. 2/217-N, dated the 30th April 1943, I am directed to state that the Bagalkot Electric License was originally granted to one Mr. N. D. Nerurkar who subsequently assigned it to Messrs. Gugwad & Company, Bagalkot. The Company has been dissolved and its assets including the electricity concern were purchased by Sardar K. S. Sirdesai at the auction sale held by the Receiver on the 30th November 1942. This Government after satisfying itself that Sardar K. S. Sirdesai is in a position to exercise the powers and perform the obligations imposed under the license and that he is sufficiently solvent to run the concern efficiently has decided to give its consent to the assignment and transfer of the electric license and its undertaking to Sardar K. S. Sirdesai in the accompanying form of memorandum of consent to be endorsed on the original license. The Receiver as the present licensee has accepted the terms in the memorandum of consent."

Letter from the Electrical Commissioner with the Government of India, No. El.C. 2/217-N, dated the 20th May 1943, to Mr. C. D. Arballi, B.A., LL.B., Pleader and Receiver :—

" With reference to your letter No. 204 of 1943, dated 3rd February 1943, and in continuation of this office letter reference El.C. 2/217-N, dated the 30th April 1943, having reference to the grant of authority to you to dispose of the plant comprising the Bagalkot Electric Supply Undertaking.

" 2. In terms of the Government of India Notification No. A. 826, dated the 9th April 1943, sanction is hereby accorded to you in the capacity of Receiver appointed in Civil Suit No. 119 of 1937, filed in the Court of the First Class Sub-Judge, Bijapur, by one of the partners of the firm of Messrs. Gugwad & Company, Bagalkot, to dispose of the electrical plant comprising the Bagalkot Electric Supply Undertaking to Mr. Kenchangouda alias Babasaheb Sangappa Sirdesai of Rakkasagi, Bijapur, carrying on business under the name and style of ' Venkatesh Power Works, Bagalkot ' in the Province of Bombay subject to the performance by the said Mr. Kenchangouda Sirdesai of the obligations imposed upon him under the Bagalkot Electric License, 1942."

RESOLUTION.—The Government of Bombay is pleased to consent under the provisions of sub-section (*2*) of section 9 of the Indian Electricity Act, 1910, to the assignment and transfer by Mr. C. D. Arballi, B.A., LL.B., the Receiver appointed in the Civil Suit No. 119 of 1937 filed in the Court of the First Class Sub-Judge, Bijapur, by one of the partners of the firm of Messrs. Gugwad and Company, Bagalkot, the present holder of the Bagalkot Electric License, 1932, of the said license and of the whole of the said licensee's undertaking in respect of the said license (including all lands, buildings, works, materials and plant) by way of sale to Mr. Kenchangouda alias Babasaheb Sangappa Sirdesai. An engrossment in the following form should be made on the original license :—

" GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

MEMORANDUM OF CONSENT.

No. 5202/36, dated 1943.

Under the provisions of sub-section (*2*) of section 9 of the Indian Electricity Act, 1910 (IX of 1910), (hereinafter referred to as ' the said Act '), the Government of Bombay is pleased to consent to the assignment and transfer by Mr. C. D. Arballi, B.A., LL.B., the Receiver appointed in Civil Suit No. 119 of 1937 filed in the Court of the First Class Sub-Judge, Bijapur, by one of the partners of the firm of Messrs. Gugwad and Company, Bagalkot (hereinafter referred to as ' the said licensee '), as the present holder of the Bagalkot Electric License, 1932 (hereinafter referred to as ' the said license '), of the said license and of the whole of the said licensee's undertaking in respect of the said license (including all lands, buildings, works, materials and plant) (hereinafter referred to as ' the said undertaking '), by way of sale to Mr. Kenchangouda alias Babasaheb Sangappa Sirdesai of Rakkasagi, Bijapur, carrying on business under the name and style of ' Venkatesh Power Works, Bagalkot ' in the Province of Bombay, subject to the performance by the said Mr. Kenchangouda Sangappa Sirdesai, of the obligations imposed upon the said licensee and to all the rights of the Government under the said license, the said Act and the rules made thereunder.

Provided always that the consent hereby given shall not authorise any future assignment of the said license or the transfer of the said undertaking or any part thereof, without a fresh consent in writing of the Government of Bombay.

By order of the Governor of Bombay,

Secretary to Government."

2. The Secretary to the Government of Bombay, Public Works Department, is authorised to sign on behalf of Government the engrossment of the memorandum of consent to be endorsed on the license.

3. The following letter should be addressed to Mr. C. D. Arballi, B.A., LL.B., Receiver appointed by the First Class Sub-Judge Court, Bijapur :—

"With reference to your letter, dated the 23rd April 1943, I am directed to return herewith the Bagalkot Electric License, 1932, with the requisite memorandum of consent engrossed thereon. Its receipt may please be acknowledged."

By order of the Governor of Bombay,

(C. G. KALE,)
Deputy Secretary to Government.

G. R., No. 5202/36, P. W. D., dated the 10th June 1943.

To
The Commissioner, Southern Division.
The Collector of Bijapur.
The Superintending Engineer, Southern Circle.
The Electrical Engineer to Government.
The Executive Engineer, Bijapur Division.
The Executive Engineer, Electrical Division.
The Accountant General, Bombay.
Mr. C. D. Arballi, B.A., LL.B. (by letter).
The Solicitor to Government.

No. of 1943.

Copy forwarded for information and guidance to

ISSUED
On 28/7/43

To the Confdl. clerk to pl. retain the depositit and the licence. Memo. of the consent has been kept in the file of the licence.
24.7.43.
Retained
2/12/43 T. & C.

5202/36-El

No. 5202/36-El. Public Works Department

B.C. 24th Jan. 1944

To

C.D. Arballi Esq. B.A., L.L.B.

Pleader and Receiver, Bijapur.

Subject:— The Bagalkot El. License, 1932
Assignment of —

Dear Sir,

I am directed to invite your attention to G.L. No. 5202/36-M dated 10-6-43; and to request that the receipt of the Bagalkot El. License with the requisite memo. of consent engrossed thereon, may please be acknowledged.

(Through F.B.)

Yours faithfully.

22/1/44.

ISSUED
On 28/1/44

x to state whether the acknowledgement has been received.

x Does not appear to have been received.

20-1-44

5 A.S

17.1.43.

Bijapur.
14th Feb 194

From. C. D. Arbalkar. B.A. LL.B.
Pleader. Bijapur.
Receiver in Bijapur civil
Suit no 119 of 1937 for M/s
Gurnad & Co. Bagalkot.

To. The Assistant Secretary.
to the Govt of Bombay.
Public Works Department

Dear Sir

With reference to your
PSL
letter no 5202/36 EL dated 24th Jan 1944
and in continuation of your letter no
P45
5202/36 M. dated 10th June 1943. I have

I have pleasure to let you know that I have already received the Bagalkot Electric license with the memorandum of consent enclosed thereon.

I may further inform you that the same has been duly given to the present licensee — Sardar M. S. Sardesai Rajkhanagi of Bagalkot.

Yours faithfully,

P.W.D. 51 Q Agent

Received

PUBLIC WORKS DEPARTMENT
File No. 5202/36
15. FEB. 1944
Serial No. 4608

Submitted with ref: to y. l. within.

Record.

S. A. S.